

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY MASON,
Petitioner,

v.

C. NOLL, Warden,
Respondent.

No. C 09-05451 JF (PR)
ORDER OF DISMISSAL

Petitioner, a California inmate, sought a petition in pro se for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the 2008 denial of parole by the Board of Parole Hearings (the "Board"). The Court found that the petition stated cognizable claims and ordered Respondent to show cause why the petition should not be granted. Respondent filed an answer addressing the merits of the petition, and Petitioner filed a traverse.


On July 7, 2010, a copy of a court order mailed to Petitioner was returned as undeliverable, indicating that Petitioner had been released from prison. (Docket No. 12.) Petitioner has not updated his address, and has filed no papers in this action since his release.

Because Petitioner has been released on parole, the petition for a writ of habeas corpus is moot. See Fendler v. United States Bureau of Prisons, 846 F.2d 550, 555 (9th Cir.

1 1988) (habeas challenge to denial of parole will become moot if petitioner is released on
2 parole before court considers petition); see also Burnett v. Lampert, 432 F.3d 996, 999-1001
3 (9th Cir. 2005) (finding habeas petition still moot after petitioner violated parole and was
4 reincarcerated). Accordingly, the petition for writ of habeas corpus under 28 U.S.C. § 2254
5 is DISMISSED as moot.

6 IT IS SO ORDERED.

7 DATED: 6-27-11


JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY MASON,
Petitioner,

Case Number: CV09-05451 JF

CERTIFICATE OF SERVICE

v.

C. NOLL, Warden,

Respondent.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 7/25/11, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony Mason C-53350
California Men's Colony
P.O. Box 8101; BQ-3310X
Highway One
San Luis Obispo, CA 93409-8101

Dated: 7/25/11

Richard W. Wicking, Clerk